

A RESOLUTION AUTHORIZING AN  
EXTENSION OF THE TERM OF THE  
FRANCHISE GRANTED TO COMCAST  
CABLEVISION OF INDIANA, L.P. TO  
OPERATE A CABLE COMMUNICATIONS  
SYSTEM.

WHEREAS, on or about July 19, 1978, the City of Fort Wayne, Indiana (the "City") awarded a Cable Television Franchise to Citizens Cable of Fort Wayne, In., (hereinafter referred to as the "Franchise"), which was subsequently transferred to Comcast Cablevision of Indiana L.P. ("Comcast") for a term of fifteen (15) years; and

WHEREAS, the Franchise expires on or about July 19, 1993, leaving both Comcast and the City without an effective cable communications franchise unless the Franchise is extended; and

WHEREAS, the City has received timely notice from Comcast of its intent to renew the Franchise; and

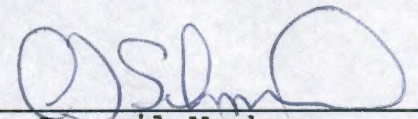
WHEREAS, the City, through its Board of Public Works, has adopted Resolution 80-146-12 extending the term of the Franchise<sup>VP</sup> to December 19, 1993, to allow time to complete a Franchise renewal process.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

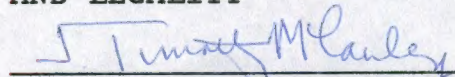
SECTION 1. That Resolution 80-146-12 of the Fort Wayne Board of Public Works, attached hereto as Exhibit "A," extending the term of the franchise granted to Comcast Cablevision of Indiana, L.P.,<sup>VP</sup> to December 19, 1993, is hereby approved, ratified, and confirmed.



SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOUR STAR BOND  
SOUTHWORTH CO. U.S.A.  
25% COTTON FIBER

CITY OF FORT WAYNE, INDIANA

RESOLUTION NO. 80-146-12

AUTHORIZING AN EXTENSION OF THE TERM OF THE FRANCHISE  
GRANTED TO COMCAST CABLEVISION OF INDIANA, L.P. TO  
OPERATE A CABLE COMMUNICATIONS SYSTEM

WHEREAS, on or about July 19, 1978, the City of Fort Wayne, Indiana (the "City") awarded a Cable Television Franchise to Citizens Cable of Fort Wayne, In., (hereinafter referred to as the "Franchise"), which was subsequently transferred to Comcast Cablevision of Indiana L.P. ("Comcast") for a term of fifteen (15) years; and

WHEREAS, the City has received timely notice from Comcast of its intent to renew the Franchise; and

WHEREAS, the City acknowledges that Comcast will not, by virtue of accepting an extension of the Franchise term, waive any of its renewal rights under Section 626(a) through Section 626(g) of the Cable Communications Policy Act of 1984, as amended, ("Cable Act"); and

WHEREAS, the Franchise expires on or about July 19, 1993, leaving both Comcast and the City without an effective cable communications franchise unless the Franchise is extended; and

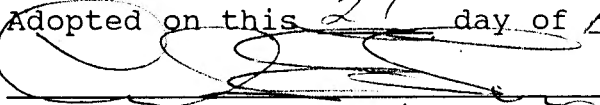
WHEREAS, the City and Comcast desire to extend the term of the Franchise to allow time to complete a Franchise renewal process.

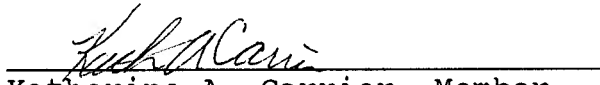
NOW, THEREFORE, be it resolved by the Board of Public Works of the City of Fort Wayne that:

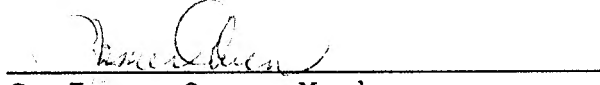
1. The City hereby authorizes Comcast to operate the cable television system in Fort Wayne, in full compliance with all of the terms and conditions of the Franchise, for a period commencing on the expiration date of the Franchise and continuing through either the date on which the Franchise is renewed, or December 19, 1993, whichever shall first occur;
2. During said period, the City and Comcast shall have all of the rights and obligations of "City" and "Franchisee", respectively, under the Franchise;
3. During said period, the City and Comcast shall work together in good faith to negotiate renewal of the Franchise;

4. This Resolution shall become effective upon the occurrence of the following conditions: (1) This Resolution being passed and adopted by the Fort Wayne Board of Public Works; (2) the approval of this Resolution as passed and adopted by the Fort Wayne Board of Public Works by Fort Wayne's Common Council; and (3) Comcast's acceptance of the extension of the Franchise as provided in this Resolution (the "Extension") for the term specified in paragraph (1) above, provided Comcast accepts the Extension within seven (7) days from the date this Resolution is approved by the Fort Wayne Common Council.

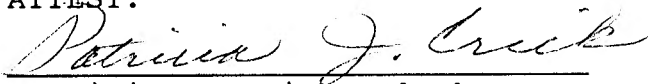
Adopted on this 21 day of APRIL, 1993.

  
Charles E. Layton, Director  
Board of Public Works

  
Katherine A. Carrier, Member

  
C. James Owen, Member

ATTEST:

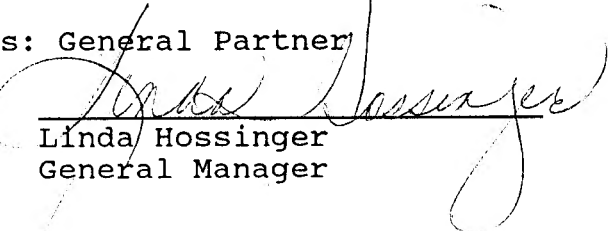
  
Patricia J. Crick, Clerk  
Board of Public Works

We hereby acknowledge Fort Wayne, Indiana, Resolution No. \_\_\_\_ ("Resolution") and the extension of the Franchise attached hereto and referenced in the Resolution ("Franchise") and we do hereby accept the terms of the Resolution and agree to be bound by the terms of the extension in accordance with the terms of the Resolution.

Dated: April 21, 1993 Comcast Cablevision of Indiana L.P.

By: Comcast Cable of Indiana, Inc.

Its: General Partner

By:   
Linda Hossinger  
Its: General Manager





# Office of the Mayor

MEMORANDUM

Paul Helmke, Mayor

DATE: April 22, 1993  
TO: Fort Wayne Common Council  
FROM: Debbie Gillespie <sup>DG</sup>  
Cable Franchise Advisory Committee  
SUBJECT: Comcast contract extension request

Q-93-04-23  
(as amended)

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Recently the City of Fort Wayne received a request from Comcast Cablevision of Indiana L.P. for a six month contract extension--from the expiration date of the current contract (July 19, 1993) to January 19, 1994. Comcast's request for the contract extension is reasonable. When our committee created the timeline for renewal activities, we believed there would be adequate time for completion prior to July 19. We now realize that more time is needed to gather and analyze the information prior to writing a new contract with the best interests of subscribers in Fort Wayne.

This committee recommends and respectfully requests Common Council's approval of a five month contract extension that would expire on December 19, 1993. We remain optimistic that the process can be expedited (with the receipt next week of information from Comcast), and that the process can be completed within the new timeline.

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE AUTHORIZES COMCAST CABLEVISION OF INDIANA,  
L.P. A SIX MONTH CONTRACT EXTENSION TO COMPLETE ITS FRANCHISE  
RENEWAL.

EFFECT OF PASSAGE CONTRACT EXTENSION IS GRANTED.

EFFECT OF NON-PASSAGE CONTRACT EXTENSION IS NOT GRANTED LEAVING  
CITY AND COMCAST WITHOUT A CABLE COMMUNICATIONS FRANCHISE.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

BILL NO. R-93-04-23

REPORT OF THE COMMITTEE ON  
FINANCE

ARCHIE L. LUNSEY & DONALD J. SCHMIDT - CO-CHAIRPERSONS  
HENRY, EDMONDS, LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (~~ORDINANCE~~) (RESOLUTION) AUTHORIZING AN  
EXTENSION OF THE TERM OF THE FRANCHISE GRANTED TO COMCAST  
CABLEVISION OF INDIANA, L.P. TO OPERATE A CABLE COMMUNICATIONS  
SYSTEM

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(~~ORDINANCE~~) (RESOLUTION) \_\_\_\_\_

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*C. B. Edmond*

*Archie Lunsey*

DATED:

*5-11-93.*

Sandra E. Kennedy  
City Clerk

Read the first time in full and on motion by Lunsey, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 5-4-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Schmidt, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>2</u>
BRADBURY				<u>✓</u>
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG				<u>✓</u>
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 5-11-93

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. Q-21-93 on the 11th day of May, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Mark C. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of May, 1993, at the hour of 11:30 o'clock A., M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of May, 1993, at the hour of 11:00 o'clock P A M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR